

CASE NO. 13-20-00280-CR

ELIJAH TATES	§	IN THE COURT OF APPEALS
	§	13th COURT OF APPEALS
V.	§	CORPUS CHRISTI/EDINBURG, TEXAS
	§	FOR THE THIRTEENTH DISTRICT
	§	KATHY S. MILLS
STATE OF TEXAS	§	CORPUS CHRISTI, TEXAS

**APPELLANT'S FIRST MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

ELIJAH TATES, Appellant, files this First Motion for Extension of Time to File Brief and would show the Court the following:

1. Appellant was sentenced to 5 years in Institutional Division of the Texas Department of Criminal Justice after a finding of "Guilty" by a jury to Evading Arrest/Detention w/Previous Conviction. Punishment was to the Court. Sentence was pronounced in open Court on April 8, 2020.
2. The Clerk's Record on appeal was filed May 7, 2020 and a Supplemental Clerk's Record was filed June 30, 2020.
3. The Reporter's Record on appeal was filed July 1, 2020.
4. Extension is sought for filing Appellant's Brief currently due on July 31, 2020.
5. This is counsel's first Motion for Extension of Time to file Brief.
6. Counsel has been involved in the following during the past 30 days:
 - Counsel is a primary caregiver for his non-verbal, intellectually disabled sixteen-year old who is not toilet trained and requires almost

around the clock care. The current COVID-19 outbreak has limited access by individuals outside counsel's household for care;

- *State of Texas v. Rufus Edward Lockett*, Cause No. 19-01097-CRF-85, 85th District Court of Brazos County – Capital Murder Death Penalty case for which notice of intent to seek death was given in late February 2020 – Multiple jail visits with client; Ongoing gathering and review of discovery & client records; Zoom conference call on July 13, 2020 with Defense team and D.A.'s office; Defense team meeting on July 15, 2020 with consulting expert and In-court multiple Motions hearing on July 17, 2020;
- *Sonny Ellen d/b/a Sonny Ellen Bail Bonds v. Grimes County Bail Bond Board*, Cause No. 35,074, 12th District Court of Grimes, County, Texas – Appeal of denial of renewal of bail bond license case – Multiple meetings with client, and agreement to reset bench trial scheduled for Grimes County, Texas on July 7, 2020;
- *In Re: A.C., a Juvenile*, Cause No. 587-J-18, 272nd District Court of Brazos County, Texas – Juvenile Sexual Assault case – Multiple meetings with co-counsel, witnesses and experts, client and juvenile's mother; Prepare for and attend all day contested determinate punishment hearing on July 16, 2020;
- *State of Texas v. Edward Jerome Huff*, Cause No. 13-20-00026-CR, Thirteenth Court of Appeals involving a State appeal of a Trial Court granting of a Motion for New Trial – Work on completing Appellee's Brief;
- In addition to the above referenced cases, counsel has had additional settings in trial courts in Brazos County and other venues that required time and resource allocation for remote conferencing necessitated by the COVID-19 pandemic, including an outbreak of COVID-19 at the Brazos County Jail.

Appellant's Counsel requests an additional thirty (30) days in which to file Appellant's Brief with the Court of Appeals. Appellant's Brief will be due on **Monday, August 31, 2020**.

THEREFORE, Appellant requests the following:

1. Extension of thirty (30) days to **Monday, August 31, 2020** to file Appellant's Brief;
2. General relief.

RESPECTFULLY SUBMITTED,

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LANE D. THIBODEAUX
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Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded to counsel of record listed below on the 31st day of July, 2020:

Via Electronic Filing

DOUG HOWELL
Assistant Brazos County District Attorney
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/s/ LANE D. THIBODEAUX
LANE D. THIBODEAUX

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Associated Case Party: Elijah Tate

Name	BarNumber	Email	TimestampSubmitted	Status
Lane D.Thibodeaux		lanet1@msn.com	7/31/2020 8:16:20 AM	SENT

Associated Case Party: State of Texas c/o Brazos County District Attorney's Office

Name	BarNumber	Email	TimestampSubmitted	Status
Doug Howell		dhowell@brazoscountytexas.gov	7/31/2020 8:16:20 AM	SENT